

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4
5 By: Senator J. Dismang
6

A Bill

SENATE BILL 141

For An Act To Be Entitled

8 AN ACT TO AMEND THE EMERGENCY POWERS OF THE GOVERNOR;
9 TO AMEND THE LAW CONCERNING ELECTIONS; TO ALLOW THE
10 SECRETARY OF STATE TO ISSUE EMERGENCY RULES FOR
11 ELECTION PROCEDURE; AND FOR OTHER PURPOSES.

Subtitle

15 TO AMEND THE EMERGENCY POWERS OF THE
16 GOVERNOR; TO AMEND THE LAW CONCERNING
17 ELECTIONS; AND TO ALLOW THE SECRETARY OF
18 STATE TO ISSUE EMERGENCY RULES FOR
19 ELECTION PROCEDURE.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

24 SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended
25 to add an additional section to read as follows:

26 7-5-112. Emergency election procedure rules.

27 (a) During an emergency subject to an emergency disaster declaration
28 under § 12-75-114 the Secretary of State may:

29 (1) Determine if an election will be impacted by the emergency;
30 and

31 (2) Determine if a modification of the statutory election
32 procedure is required to carry out the election.

33 (b) If a modification of the statutory election procedure is required,
34 the Secretary of State shall:

35 (A) Identify the election procedure impacted by the
36 emergency; and



1 (B) Prepare an emergency rule addressing the election
2 procedure to be modified.

3 (c)(1) If the Secretary of State finds that imminent peril to the
4 public health, safety, or welfare or compliance with an election process or
5 procedure requires adoption of an emergency rule upon less than thirty (30)
6 days' notice and states in writing the Secretary of State's reasons for that
7 finding, the Secretary of State may proceed without prior notice or hearing,
8 or upon any abbreviated notice and hearing that it may choose, to adopt an
9 emergency rule.

10 (2) The Secretary of State shall not file an emergency rule for
11 adoption until the emergency rule has been approved under § 10-3-309.

12 (3) The emergency rule may be effective for no longer than one
13 hundred twenty (120) days.

14 (4) If, after the expiration of the effective period of an
15 emergency rule, the Secretary of State wishes to adopt a successive emergency
16 rule that is identical or substantially similar to the expired emergency
17 rule, the Secretary of State shall not adopt the successive emergency rule
18 earlier than thirty (30) days after the expiration of the original emergency
19 rule.

20
21 SECTION 2. Arkansas Code § 12-75-114(e)(1), concerning the disaster
22 emergency responsibilities of the Governor, is amended to read as follows:

23 (1)(A) Suspend the provisions of any regulatory statutes
24 prescribing the procedures for conduct of state business, or the orders or
25 rules of any state agency, if strict compliance with the provisions of any
26 statute, order, or rule would in any way prevent, hinder, or delay necessary
27 action in coping with the emergency+.

28 (B) Subdivision (e)(1)(A) of this section does not apply
29 to any statute, order, or rule related to or governing the conduct or process
30 of an election;